

## REMARKS

Claims 1-7 are pending in this application. Claims 1, 3, 6, and 7 have been amended to correct an obvious error, where the expression of the ratio “MFR<sup>I</sup>/MFR<sup>II</sup>,” has been corrected to “MFR<sup>II</sup>/MFR<sup>I</sup>.” The specification has likewise been corrected. This is clearly an obvious error in view of the individual ranges of MFR<sup>II</sup> and MFR<sup>I</sup>. Furthermore, Table 1 illustrates that the correct ratio is MFR<sup>II</sup>/MFR<sup>I</sup>. Entry and consideration of this amendment is earnestly requested in that it does not introduce new matter.

### Double Patenting Rejections

A. Response to rejection of claims 1-7 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 6,586,531 of Washiyama et al.

In response to the rejection of claims 1-7 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 6,586,531 of Washiyama et al. (“Washiyama”), Applicants include with this Amendment a Terminal Disclaimer. Reconsideration and withdrawal of the Rejection respectfully is requested.

### Rejections Under 35 U.S.C. § 102

B. Response to rejection of claims 1-7 under 35 U.S.C. §102(e) as being anticipated by Washiyama.

In response to the rejection of claims 1-7 under 35 U.S.C. §102(e) as being anticipated by Washiyama, Applicants respectively traverse the rejection.

For a reference to anticipate an invention, all of the elements of that invention must be present in the reference. The test for anticipation under section 102 is whether each and every element as set forth in the claims is found, either expressly or inherently, in a single prior art reference. *Verdegaal Bros. V. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must also be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

The Examiner has not commented at all on the elements of any of the pending claims, or made any showing or comment of where they are to be found in the cited reference. However, Washiyama does not directly set forth the MFR<sup>II</sup> as in the presently recited claims, but rather provides a range for MFR<sup>I</sup> and a ratio MFR<sup>II</sup>/MFR<sup>I</sup>, so that MFR<sup>II</sup> must be calculated.

With respect to the claimed range of MFR<sup>II</sup>/MFR<sup>I</sup> (5-60), Washiyama provides a broad range for MFR<sup>II</sup>/MFR<sup>I</sup> of 30 to 2000, with a most preferred range of 100 to 800. Clearly, there is only slight overlap with Washiyama's broadest range, and no overlap at all with Washiyama's most preferred range. Moreover, in Washiyama's examples, the lowest MFR<sup>II</sup>/MFR<sup>I</sup> ratio is 63.6 in example 4, which is outside the claimed range.

Similarly, with respect to the claimed values of MFR<sup>II</sup> (no greater than 100), because Washiyama discloses a range for MFR<sup>I</sup> of 0.5 to 10, in view of Washiyama's range for MFR<sup>II</sup>/MFR<sup>I</sup>, the calculated broad range for Washiyama's MFR<sup>II</sup> is 15 to 20,000, with a calculated most preferred range of 50 to 8000. Therefore, only a partial overlap of the ranges exist.

Clearly, for both the MFR<sup>II</sup> element and the MFR<sup>II</sup>/MFR<sup>I</sup> ratio element, although there is a small amount of range overlap, this does not describe the entire claimed range with sufficient specificity to anticipate these limitations of the present claims. The ranges are different, not the same. Reconsideration and withdrawal of the rejection respectfully is requested.

The Commissioner is hereby authorized to charge U.S. PTO Deposit Account 08-2336 in the amount of any fee required for consideration of this Amendment.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with sufficient postage thereon with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 21, 2008.

  
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